

**City of Newport Beach
General Plan/LCP Implementation Committee Minutes**

Date: March 26, 2014

Location: Newport Beach Civic Center – 100 Civic Center Drive
Newport Coast Meeting Room (Bay E, Second Level, Room 2017)

Members Present: Edward Selich, Mayor Pro Tem (Chair); Nancy Gardner, Council Member; Fred Ameri, Planning Commissioner; and Michael Toerge, Member-At-Large

Members Absent: Tony Petros, Council Member; Bradley Hillgren, Planning Commission Chair

Staff: Kimberly Brandt, Community Development Director; Brenda Wisneski, Deputy Community Development Director; Patrick Alford, Planning Manager; and Leonie Mulvihill, Deputy City Attorney.

Public: Sandie Haskell, Jo Overman, Clyde Harkins, Michelle Brown, Tom Mathews, Isabella Villasenor, and Jim Mosher

Due to the lack of a quorum, Chair Selich took the agenda out of order.

2) ROLL CALL

Chair Selich invited everyone to introduce themselves.

4) CURRENT BUSINESS

A. Coastal Commission Update

Planning Manager Patrick Alford informed the Committee that City staff and California Coastal Commission (CCC) staff would be meeting on the Monday preceding the Committee meeting to discuss and resolve the outstanding key issues. He reported that the March 24, 2014, meeting was on the proposed coastal zone boundary adjustments and gave a summary of the CCC staff's responses. He said that staff would have updated maps at the next Committee meeting.

Director Kimberly Brandt and Deputy Director Brenda Wisneski responded to questions from the Committee on upcoming meetings with CCC staff, which will cover the continuation of the categorical exclusion order.

1) CALL MEETING TO ORDER

Commissioner Ameri arrived at approximately 1:05 pm and the meeting was called to order.

3) APPROVAL OF MINUTES

Mr. Jim Mosher pointed out a few typographical errors.

The minutes of the January 29, 2014, meeting were approved as amended by a vote of 4-0 with Selich, Gardner, Ameri, and Toerge voting in favor.

4) CURRENT BUSINESS

A. Coastal Commission Update (Continued)

Mr. Jim Mosher noted that the new CCC staff member, Matt Stone, will be working on projects other than the Implementation Plan.

B. Draft Implementation Plan

Mr. Alford noted that contents of proposed Implementation Plan Chapter 21.30A (Public Access and Recreation) and Chapter 21.30B (Environmentally Sensitive Areas) were first proposed by the predecessor LCP committee in 2006, and then again with the Zoning Code Update in 2009. He then proceeded to give an overview of Chapter 21.30A.

Council Member Gardner raised questions about City acceptance of public access dedications and historic use.

Deputy City Attorney Leonie Mulvihill expressed concerns about those two issues and will work with Planning staff to address them.

Council Member Gardner stated that repair and maintenance of shoreline protective structures needed to allow the replacement on seaward of the existing structure.

Committee Member Michael Toerge pointed out an error in Section 21.30A.020. He also said that the applicability section should make it clear when public access would be required and when it would not.

Chair Selich expressed concern on how some of these provisions would be interpreted by State agencies and asked the Office of the City Attorney to work with the Planning Division on the language.

Commissioner Ameri questioned the practicality of providing access within setback areas and privacy buffers.

A discussion ensued on prioritizing onshore lateral access over offshore lateral access.

Mr. Mosher pointed out some errors in the cross-references. He also questioned having the Office of the City Attorney setting policy.

Ms. Michelle Brown asked if the public access regulations apply to Buck Gully.

Mr. Alford gave an overview of Chapter 21.30B.

Council Member Gardner commented on wetlands delineation, buffer areas, and post-mitigation monitoring.

Commissioner Ameri called for more flexibility on development on the edges of wetlands.

A discussion ensued on how the cost of biological surveys, ESHA determination, and the boundaries of environmental study areas.

Ms. Sandie Haskell related her experience with getting approvals for her project in Buck Gully.

Mr. Clyde Harkins spoke about how the water flow in Buck Gully had increased in recent years.

A discussion ensued on how Newport Coast drainage had impacted Buck Gully.

Ms. Michelle Brown spoke about her frustration on getting stringline determinations for properties on Buck Gully and the impact on property values.

A discussion ensued about the City's efforts over the past 10 years to develop Buck Gully standards that could be approved by the Coastal Commission.

Mr. Mosher pointed out that the Coastal Commission could revoke the categorical exclusion order if it is found that there is the potential of significant adverse impacts on coastal resources.

Responding to a question from Ms. Isabella Villasenor, Council Member Gardner said that public access would only be provided in Upper Buck Gully.

Ms. Haskell commented on the draft development zone exhibit for Buck Gully.

5) COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

None.

6) PUBLIC COMMENTS

None.

7) NEXT MEETING

Wednesday, April 23, 2014, at 12:30 p.m.

8) ADJOURNMENT

The meeting adjourned at approximately 4:43 p.m.

Edward Selich, Chair